

PROTONIX STIPULATION AND ORDER OF DISMISSAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ALTANA PHARMA AG and
WYETH,
Plaintiffs,

V.

TEVA PHARMACEUTICALS,
USA, INC., and TEVA
PHARMACEUTICAL
INDUSTRIES, LTD, et al.
Defendants

:
: CONSOLIDATED CIVIL ACTIONS
: 04-cv-2355 (JLL), 05-cv-1966 (JLL), 05-cv-3902 (JLL)
: 05-cv-3672 (JLL) and 08-cv-2877 (JLL)

: This Filing Applies To:

: Teva Defendants

: Civil Action No. 04-CV-2355 (JLL)(MAH)

STIPULATION AND ORDER OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by and among Altana Pharma AG and Wyeth (individually and collectively, “**Plaintiffs**”), as plaintiffs, and Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (individually and collectively, “**Defendants**”), as defendants, by their attorneys, that:

(1) The manufacture, use, sale or offer for sale in the United States and/or importation of Defendants' pantoprazole products that are the subject of ANDA No. 77-056 infringed U.S. Patent No. 4,758,579, which is a valid and enforceable patent, causing damages to Plaintiffs, which the Defendants have agreed to pay according to the terms of the confidential Protonix Binding Term Sheet entered into June 11, 2013 by the parties.

(2) Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), all claims and counterclaims between Plaintiffs and Defendants are dismissed with prejudice pursuant to a confidential Protonix Binding Term Sheet between the parties.

(3) Any protective orders entered by the Court shall remain in full force and effect notwithstanding the dismissal of this action.

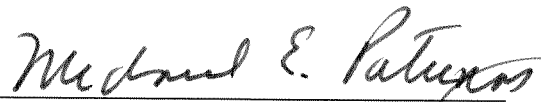

(4) The parties waive any right of appeal from this Stipulation And Order.

- (5) Each party shall bear its own costs and fees in the above-captioned actions.
- (6) The Court retains jurisdiction to enforce the Protonix Binding Term Sheet and any definitive agreements therefrom.

Dated: June 11th, 2013 New Jersey

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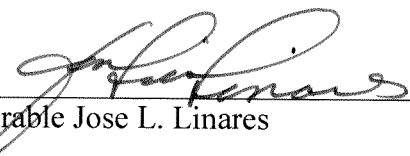
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and Teva Pharmaceutical Industries, Ltd.

SO ORDERED: June 12, 2013


Honorable Jose L. Linares
United States District Judge